

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

United States of America
ex rel. ALEX DOE, Relator,

The State of Texas
ex rel. ALEX DOE, Relator,

The State of Louisiana
ex rel. ALEX DOE, Relator,

Plaintiffs,

v.

Planned Parenthood Federation of America,
Inc., Planned Parenthood Gulf Coast, Inc.,
Planned Parenthood of Greater Texas, Inc.,
Planned Parenthood South Texas, Inc.,
Planned Parenthood Cameron County, Inc.,
Planned Parenthood San Antonio, Inc.,

Defendants.

CIVIL ACTION NO. 2:21-CV-00022-Z

DECLARATION OF SHEILA MCKINNEY

I, Sheila McKinney, declare and state as follows:

1. I am a current employee and former Chief Operating Officer of Planned Parenthood of Greater Texas, Inc. ("PPGT"). I served as Chief Operating Officer from 2013 to April 2022. I am over the age of 18 and have personal knowledge of the matters herein or have acquired such knowledge by personally examining business records kept in the ordinary course of PPGT's business. If called upon to testify, I could and would testify thereto.

2. I make this declaration in support of Defendants' Opposition to Relator's Motion To Unseal Memorandum and Appendix in Support of Motion for Summary Judgment. I understand that the Relator is attempting to unseal Plaintiffs' brief and 13-volume, 6,295 page

appendix, and that some of the documents in Plaintiffs' appendix were designated by PPGT as "Confidential" or "Confidential Attorneys' Eyes Only" under the Protective Order entered in this matter. Unsealing these materials would substantially and materially harm PPGT and others by disclosing trade-secret level, non-public information.

3. PPGT is a healthcare provider, and competes with other healthcare organizations for medical professionals and patients in the market place. As a 501(c)(3) non-profit organization, PPGT is also reliant on securing donations and other grants to fund its mission of providing high-quality reproductive healthcare to its patients in Texas. In that context, PPGT is competing with similarly situated organizations to secure access to donations and grants. In addition, PPGT's mission elicits strong opposition actors who have conducted acts against PPGT that range from harassing business and mission partners to acts of violence.¹

4. The documents Relator is seeking to unseal were designated as "Confidential" or "Confidential Attorneys' Eyes Only Information" because they include the names and contact information of non-publicly identified PPGT employees, non-party commercial information, detailed PPGT accreditation reports, and financial and grant information.

5. Non-Party Names and Contact Information. The documents in this category include names and contact information for PPGT non-publicly identified employees and the personal email address of a PPGT board member. *See, e.g.*, APPX.005577. Our Senior Director of Security & Environmental Management advises employees about their exposure through open public searches

¹ *See, e.g.*, Tex. Att. Gen. Open Records Letter Ruling, 2012-13509, <https://www2.texasattorneygeneral.gov/opinions/openrecords/50abbott/orl/2012/pdf/or201213509.pdf> (Aug. 24, 2012) (agreeing that a Planned Parenthood facility in Ft. Worth satisfied its burden to keep employee and patient information confidential in response to an Open Records request with evidence of harassment and threats, including two attacks involving explosives at similar locations).

and encourages them to use maximum privacy settings online. Jordan Decl. ¶ 14, ECF No. 103-3. During my tenure with PPGT, I have become aware of several PPGT employees who have been exposed to threats, intimidation, and/or harassment by virtue of their work for and association with PPGT. Our Senior Director of Security & Environmental Management encourages employees to take protections such as parking in different locations, traveling in different routes to and from work; varying their schedule as much as possible; and not to wear their ID name badges or any work clothes or uniforms that identify them as working for PPGT while off-site. *Id.* We give this advice to all employees, volunteers, and board members. However, despite our non-publicly identified employees' best efforts to remain anonymous, they have at times received threats and harassment after their identities have become public. *See id.* at ¶¶ 4-13.

6. Non-Party Financial and Commercial Information. The documents in this category include financial information and operations/funding strategy for a PPGT vendor, *see* APPX.004216-APPX.004221, and details of a proprietary insurance policy provided by a non-party insurance broker to PPGT and other Planned Parenthood Affiliates that are not parties in this case, *see* APPX.005304-APPX.005317. Disclosure of PPGT's vendors operational and funding strategy could cause the vendor competitive and financial harm. Disclosure of the insurance policy could cause the insurance broker competitive and financial harm. Disclosure of this information may also expose PPGT's vendor and insurance broker to increased risk of harassment.

7. Detailed Accreditation Reports. The documents in this category contain accreditation reports and corrective action reports for PPGT. *See, e.g.,* APPX.003793-APPX.003871. These reports contain detailed information about all aspects of PPGT's performance and operations, including information related to PPGT's security measures, the volume and variety of medical services PPGT provides, PPGT's detailed financial information and

accounting practices, fundraising strategy, strategic and programing priorities, staffing and human resources priorities, and any corrective actions taken by PPGT. This information is highly sensitive and impacts every aspect of PPGT's operations. Disclosure of confidential security measures that PPGT has taken could lead to physical harm or harassment of employees and patients if those security measures, once public, are circumvented. Disclosures of financial information and fundraising strategy could affect donations, causing financial harm to PPGT. Disclosures of this information could also cause financial harm to PPGT if obtained by its healthcare provider competitors and could disrupt current systems and affect PPGT's ability to provide patient care. Disclosure of certain strategic material could also harm PPGT's ability to recruit and retain medical staff for its healthcare centers, causing financial and competitive harm. Disclosures of corrective actions needed, even from years previous, may be used by healthcare provider competitors to question the quality of PPGT's care, causing financial and competitive harm.

8. Financial and Grant Information. The documents listed in this category contains proprietary information and propriety financial information about grants provided to PPGT. *See* APPX.006142-APPX.006145. The information contained in the documents is not information that PPGT releases to the public during the regular course of business. Disclosure of this financial information could cause PPGT financial and competitive harm if obtained by the general public or by any of PPGT's healthcare provider competitors, as it would reveal information about PPGT's revenues.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 8, 2023 in Katy, Texas.


Sheila McKinney (Feb 8, 2023 13:06 CST)

Sheila McKinney